

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
Tomeka Kawanna Brown Williams) CASE NO. 18-67393-PMB
)
)
DEBTOR.)

**CHAPTER 13 TRUSTEE'S
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

COMES NOW Melissa J. Davey, Chapter 13 Trustee, and objects to confirmation of the plan and files this motion to dismiss under 11 U.S.C. Section 1307(c), for cause, including the following reasons:

1. The scheduled meeting of creditors was not conducted because Debtor failed to produce adequate photo identification and/or proof of social security number.
2. The plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).
3. The Debtor has failed to pay the Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. Section 1326.
4. The Debtor has failed to provide copies of all pay advices received within sixty (60) days of filing the instant case, in violation of 11 U.S.C. Section 521(a)(1)(B)(iv).
5. In accordance with General Order Nos. 18-2015 and/or 22-2017 and the Statement of Rights and Responsibilities, the Debtor's attorney should timely provide proof of Debtor's \$2,917.00 per month wage income and son's \$675.00 per month Social Security income to the Chapter 13 Trustee. 11 U.S.C. Sections 521(a)(1), 1325(a)(3), 1325(a)(6), 1325(b)(1)(B) and Bankruptcy Rule 1007.
6. The Debtor has failed to provide the Trustee with a copy of the federal income tax return for the most recent tax year ending immediately before the commencement of the instant case in violation of 11 U.S.C. Section 521(e)(2)(A)(i).
7. Pursuant to information received from the Internal Revenue Service, 2014, 2015, 2016, and 2017 tax returns have not been provided to the taxing authorities, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 Plan in violation of 11 U.S.C. Sections 1322(d) and 1325(a)(6).

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8. The Chapter 13 Plan appears to be infeasible because the budget in the Schedules fails to include an expense for Cash America Pawn. 11 U.S.C. Section 1325(a)(6).

9. Debtor's Schedule I fails to accurately reflect how long Debtor was employed, preventing the Chapter 13 Trustee from determining whether the Plan complies with 11 U.S.C. Sections 1325 (a)(3), (a)(6), and/or 1325(b)(1)(B).

10. The Chapter 13 Plan proposes to directly fund a debt owed to Cash Pawn, in violation of 11 U.S.C. Sections 1325(a)(3) and 11 U.S.C. Sections 1325(a)(3).

11. The Chapter 13 plan proposes to pay \$5,000.00 to the Debtor's Attorney for payment of attorney fees. The Trustee is unable to determine whether this is a reasonable fee and would request that Debtor's counsel appear at confirmation and be prepared to present evidence to the Court regarding the reasonableness of the requested fee.

WHEREFORE, Trustee moves this Honorable Court to inquire into the above objections at the separately scheduled and noticed confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case, and for such other and further relief that this Court deems just and proper.

/s/ Jason L. Rogers

Jason L. Rogers

Attorney for Chapter 13 Trustee

GA Bar No. 142575

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CERTIFICATE OF SERVICE

This is to certify that I have this day served:

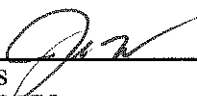
DEBTOR(S):
TOMEKA KAWANNA BROWN WILLIAMS
1434 SEASONS PARKWAY
NORCROSS, GA 30093

DEBTOR(S) ATTORNEY:
CLARK & WASHINGTON, P.C.
3300 NORTHEAST EXPRESSWAY
BUILDING 3, SUITE A
ATLANTA, GA 30341

in the foregoing matter with a copy of this Objection to Confirmation & Motion to Dismiss by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

Friday, December 14, 2018

/s/



Jason L. Rogers
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